

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONNY DARNELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-1065-M
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER

On June 20, 2013, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983.¹ The Magistrate Judge recommended (1) granting defendants’ motion to dismiss as to plaintiff’s claim for injunctive relief against defendants in their individual capacities and (2) dismissing plaintiff’s cause of action in the absence of a remaining viable claim. Plaintiff was advised of plaintiff’s right to object to the Report and Recommendation by July 10, 2013.

On July 1, 2013, plaintiff filed plaintiff’s Response to Magistrate’s Report and Recommendation and plaintiff’s Motion to Amend Pleadings. Plaintiff moves to amend plaintiff’s complaint as to make a “final d[e]signation of how [plaintiff] is going to sue the Defendants in this instant cause of action” Plaintiff’s Motion to Amend Pleadings [docket no 72] at 2; *see also* Plaintiff’s Response to Magistrate’s Report and Recommendation [docket no. 71] at 2. Plaintiff appears to be seeking leave to amend as to allege claims against defendants in both their individual

¹Plaintiff asserts that plaintiff is a male-to-female transgender with gender identity disorder. Based upon publically available records from the Department of Corrections, the Report and Recommendation uses male pronouns; whereas, plaintiff uses female pronouns in plaintiff’s filings. For clarity purposes, and as not to disrespect plaintiff, the Court will use neither male nor female pronouns when referencing plaintiff.

capacities and official capacities. Therefore, if plaintiff were granted leave to amend, there will be remaining claims against defendants in their official capacity and claims against defendants for monetary damages in their individual capacity.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on June 20, 2013;
- (2) GRANTS IN PART and DENIES IN PART Defendants' Motion to Dismiss [docket no. 38]. Specifically, the Court DISMISSES plaintiff's claim for injunctive relief against defendants in their individual capacities; and
- (3) RECOMMITS this action to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 24th day of July, 2013.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE